

Revised: January 31, 2019

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Valentin Reid, on behalf of himself	:	
and all others similarly situated	:	
	:	No. 1:19-09827 (PAE) (SDA)
Plaintiff(s),	:	
	:	
-against-	:	
	:	
Thesy, LLC	:	
	:	
Defendant(s).	:	
	:	
-----X		

REPORT OF RULE 26(f) MEETING AND PROPOSED CASE MANAGEMENT PLAN

In accordance with Federal Rule of Civil Procedure 26(f), counsel for the parties spoke on 2/20/2020 and exchanged communications thereafter, and submit the following report of their meeting for the court's consideration:

1. Summary of Claims, Defenses, and Relevant Issues

Plaintiff:

Plaintiff brings this class-action civil rights action claim pursuant to Title III of the Americans With Disabilities Act ("ADA"), 42 U.S.C. § 1281 et seq. Plaintiff alleges that Defendant's website is a public accommodations within the definition set forth in Title III of the ADA.

Defendant:

Defendant has no physical presence in New York.
Certain limitations in the development of the Website entail structural "barrier" removal that is not "readily achievable" and an "undue burden" within the meaning of the ADA, if not an impossibility.

2. Basis of Subject Matter Jurisdiction: _____

Plaintiff asserts this Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 and 24 U.S.C. §12181 as Plaintiff's claims arise under Title III of the ADA, 42 U.S.C. §1281 et seq. and 28 U.S.C. §1332. Venue is proper in this district under 28 U.S.C. §1391(b)(1) and (2) because Defendant conducts a substantial amount of business in this District and Plaintiff alleges that a substantial portion of the conduct complained of herein occurred in this District.

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3. Subjects on Which Discovery May Be Needed

Plaintiff:

The website accessibility under the ADA. Steps taken by the Defendant to conduct remediation to the website.

Defendant:

Plaintiff's alleged disabilities

The date and time Plaintiff allegedly attempted to access the Website

4. Informal Disclosures

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was disclosed by Plaintiff(s) on n/a. In addition, on 3/5/2020, Plaintiff(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was disclosed by Defendant(s) on n/a. In addition, on 3/5/2020, Defendant(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

5. Formal Discovery

The parties jointly propose to the Court the following discovery plan:

a. All fact discovery must be completed by 6/30/2020.

b. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court,

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provided that the parties meet the deadline for completing fact discovery set forth in 3(a) above.

- i. Depositions: Depositions shall be completed by 6/30/2020 and limited to no more than 1 depositions per party. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
- ii. Interrogatories: Initial sets of interrogatories shall be served on or before 4/15/2020. All subsequent interrogatories must be served no later than 30 days before the discovery deadline.
- iii. Requests for Admission: Requests for admission must be served on or before 4/15/2020.
- iv. Requests for Production: Initial requests for production were/will be exchanged on 4/15/2020 and responses shall be due on 5/15/2020. All subsequent requests for production must be served no later than 30 days before the discovery deadline.
- v. Supplementation: Supplementations under Rule 26(e) must be made within a reasonable period of time after discovery of such information.

6. Anticipated Discovery Disputes

Are there any anticipated discovery disputes? Does either party seek limitations on discovery? Describe.

N/A

7. Amendments to Pleadings

- a. Are there any amendments to pleadings anticipated? n/a
- b. Last date to amend the Complaint: 3/30/2020

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8. Expert Witness Disclosures

At this time, the parties do/do not (circle one) anticipate utilizing experts. Expert discovery shall be completed by DO- 8/15/2020.

9. Electronic Discovery and Preservation of Documents and Information

- a. Have the parties discussed electronic discovery? n/a
- b. Is there an electronic discovery protocol in place? If not, when the parties expect to have one in place? n/a
- c. Do the parties want the Court to enter a Rule 502(d) Order? (see [Rule 502\(d\) Order](#))
Yes _____ No X
- d. Are there issues the parties would like to address concerning preservation of evidence and/or electronic discovery at the Initial Case Management Conference?

10. Anticipated Motions

Plaintiff will file a motion seeking class certification. Plaintiff also anticipates filing a motion for summary judgment.

Defendant contemplates motions for summary judgment at an appropriate stage of the case.

11. Early Settlement or Resolution

The parties have/have not (circle one) discussed the possibility of settlement. The parties request a settlement conference by no later than 5/30/2020. The following information is needed before settlement can be discussed:

Report of website accessibility.

12. Trial

- a. The parties anticipate that this case will be ready for trial by 9/1/2020.

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- b. The parties anticipate that the trial of this case will require 2 days.
- c. The parties do/**do not** (circle one) consent to a trial before a Magistrate Judge at this time. DO NOT CONSENT
- d. The parties request a jury/bench (circle one) trial. Jury

13. Other Matters

Interrogatories per LCR 33.3 (b) and (c) may be served any time during the discovery period.

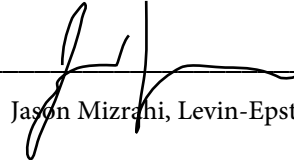
Respectfully submitted this 20 day of February.

ATTORNEYS FOR PLAINTIFF(S):

/s/David Force

David Force
Stein Saks, PLLC

ATTORNEYS FOR DEFENDANT(S):



Jason Mizrahi, Levin-Epstein & Associates, P.C.